



Please reply to: Mr Shaun Rackley

Licensing & Public Protection
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Mr M Piewiszko

My ref: M:005379/SAR

Your ref:

Telephone: 01803 208025

Website: www.torbay.gov.uk

Date: 4 November 2019

Dear Mr Piewiszko

**Local Government (Miscellaneous Provisions) Act 1976
Dual Hackney Carriage and Private Hire Drivers Licence No: LD0365**

I am writing to you following the suspension of your Licensed Drivers badge with Torbay Council, which was suspended on the 1st November 2019 with immediate effect under the above legislation.

You will be aware that under the terms of the Torbay Council Hackney Carriage and Private Hire Licensing Policy (the Policy), the licensing team undertakes 6 monthly checks through the Driver and Vehicle Licensing Agency (DVLA) of the driving records of all licensed drivers.

A check was made on Thursday 31st October 2019 of your own record, where the following information was obtained:

- DVLA Licence expired dated 29th May 2019

The licensing authority has received no notification from you relating to the expiry of your DVLA licence. It is a requirement that any applicant/licence holder holds a valid DVLA licence to enable them to hold a Licensed Drivers badge with Torbay Council. The Policy states at

I have also spoken to the Company you work for and have established that you have been working as a Licensed Driver for them, carrying passengers between the 29th May and the 1st November.

It is a matter of great concern that you have continued to carry passengers in a Licensed Vehicle since your DVLA licence had expired, this will undoubtedly have invalidated any insurance that you have in place.

I must now refer the matter to Licensing Sub Committee for consideration as to your fit and proper status to remain licensed by this authority. You are therefore, advised that a date

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If you require this in a different format or language, please contact me.

will be set for a hearing to which you will be invited and given opportunity to address the Committee.

The Licensing Sub Committee will consider the nature of the incident and will take account of any testimony that you may wish to put forward. In advance of the hearing therefore, I request from you, written explanation as to why you failed to renew your DVLA licence and details of any mitigating factors that may assist your case.

Whilst no decision has been made as to the future status of your Torbay Council drivers' licence, I must advise you of the serious nature of this matter. The Licensing Sub-Committee will decide on what action to take, if any. This could range from lifting the suspension on your licensed drivers badge, through to revocation. In view of this I stress the importance of timely and detailed information being supplied to me that I may then put before Committee for consideration. I request that you submit the above information, in writing, to include any matter (including any mitigating circumstances) that you believe to be relevant by **no later than Monday 11th November 2019**.

The Licensing Sub-Committee will be established to take place soon after that date and you will be written to further to advise you of the date and time of the hearing.

Should you need to contact us please quote the reference number above.

Yours sincerely

Mr Shaun Rackley
Licensing Officer
Licensing & Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.